

Decision _____

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA**

Application of San Diego Gas & Electric Company (U 902 E) for Authority to Partially Fill the Local Capacity Requirement Need Identified in D.14-03-004 and Enter into a Purchase Power Tolling Agreement with Carlsbad Energy Center, LLC.

Application 14-07-009
(Filed July 21, 2014)

**DECISION GRANTING COMPENSATION TO CALIFORNIA
ENVIRONMENTAL JUSTICE ALLIANCE FOR SUBSTANTIAL
CONTRIBUTION TO DECISION 15-05-051**

Intervenor: California Environmental Justice Alliance	For contribution to Decision (D.) 15-05-051
Claimed: \$ \$16,249.50	Awarded: \$16,008.00 (Reduced 1.5%)
Assigned Commissioner: Michel Peter Florio	Assigned ALJ: Hallie Yacknin

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Modifies SDG&E application; approves a 500 MW gas-fired power plant and requires procurement of 100 MW of preferred resources.
--	--

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	September 3, 2014	Verified.
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	October 3, 2014	Verified.
4. Was the NOI timely filed?		Yes, California Environmental Justice Alliance (CEJA) timely filed the notice of intent.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.14-11-016	Verified.
6. Date of ALJ ruling:	March 24, 2015	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, CEJA demonstrated appropriate status.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.14-11-016	Verified.
10. Date of ALJ ruling:	March 24, 2015	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, CEJA demonstrated significant financial hardship.

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D. 15-05-051	Verified.
14. Date of issuance of Final Order or Decision:	May 29, 2015	Verified.
15. File date of compensation request:	July 28, 2015	Verified.
16. Was the request for compensation timely?		<p>Yes, CEJA timely filed the request for compensation.</p> <p>The Commission requested CEJA file an amended claim for compensation. The filing of this claim does not modify the original date of the compensation request.</p>

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>CEJA made important contributions to this proceeding. Although the Commission ultimately approved a modified application, despite the analysis CEJA advanced, CEJA's analyses and recommendations regarding the procurement the Commission authorized for SDG&E, the Loading Order, and existence of a reliability need. CEJA is not seeking compensation for any time spent advancing its argument that the California Environmental Quality Act applied, as the Commission roundly rejected this argument.</p> <p>CBE therefore requests that the Commission find a substantial</p>		

contribution warranting an award of intervenor compensation for the reasonable costs and expenses incurred by CBE as follows:		
A. Filling the entire 600 MWs with a single bilateral contract for gas-fired generation was beyond the procurement authorized for SDG&E. (Sierra Club and CEJA Opening Brief, pp. 4-7; CEJA Opening Comments on Alternate Proposed Decision, pp. 3-4.)	Proposed decision, p. 6; D.15-05-051, Page 6.	Verified.
B. As proposed, the application filed by SDG&E failed to follow the Loading Order. (Sierra Club and CEJA Opening Brief, p.6; Sierra Club and CEJA Opening Comments on Proposed Decision, pp. 2-3; CEJA Opening Comments on Alternate Proposed Decision, p. 4.)	D.15-05-051, Page 6	Verified.
C. SDG&E was not authorized to procure to meet a reliability gap in 2018, nor did the record in this proceeding show such a gap to be likely. (Sierra Club and CEJA Opening Brief, pp. 7-9; CEJA Reply Comments on Proposed Decision, pp. 1-3; CEJA Opening Comments on Alternate Proposed Decision, pp. 7-8.)	Proposed decision, p.17.	Verified.
D. SDG&E's application was procedurally improper and outside to scope of the proceeding. (CEJA Opening Comments on Alternate Proposed Decision, pp. 2-3)	D.15-05-0151 Dissent, observing that Carlsbad plant was being to approved to meet "unidentified and unauthorized OTC retirement needs" rather than the Track IV need SDG&E was authorized to meet. (Dissent, Page 3.)	Verified.

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?	Yes	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes (on some positions)	Yes.
c. If so, provide name of other parties: Sierra Club, Californians for Renewable Energy (CARE), Protect Our Communities Foundation (POC), Center for Biological Diversity.		Verified.
d. Intervenor's claim of non-duplication: CEJA avoided duplication of effort in this proceeding by collaborating very closely with Sierra Club, preparing joint protests, opening briefs and closing briefs. We discussed data requests and coordinated cross-examination of witnesses. This degree of coordination with Sierra Club allowed CEJA to bring the arguments of specific concern to its members in a very targeted way.		Verified.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

a. Intervenor's claim of cost reasonableness: This Application sought approval of a 600 MW proposal by SDG&E to meet the Track 4 approved procurement need. SDG&E brought forward a bilateral contract for a single plant. The proposed decision denied the application, in large part on the reasons articulated by CEJA and Sierra Club. The final decision reduced the size of the project and required 100 MW of renewables. The dissent agreed with CEJA that SDG&E simply lacked procurement authorization for the plant. CEJA is seeking a very reasonable total for its contributions to this proceeding.	CPUC Discussion Verified.
b. Reasonableness of hours claimed: CEJA's hours were extremely reasonably spent, divided into categories as shown in the timesheets (Attachment 2). CEJA has excluded time spent on the issue, CEQA, for which the Commission resoundingly concluded CEJA was in error. CEJA has excluded all time for dedicated to internal communications, as well as all hours spent by legal interns.	Verified, but see CPUC Disallowances and Adjustments, below.
c. Allocation of hours by issue:	Verified.

<p>CEJA divided issues so as not to duplicate work. The issues and division of work are reflected in the attached timesheets (Attachment 2).</p> <p>A)SDG&E was not authorized to fill entire 600 MW with a single bilateral contract for gas-fired rather than conducting an any-source request for offers for at least a portion of that amount: 13%</p> <p>B)SDG&E's 600 MW application did not follow the Loading Order: 11%</p> <p>C)SDG&E was not authorized to procure for reliability need in 2018 18%</p> <p>D)PUC approval was procedurally improper and outside the scope: 18%</p> <p>E) General case work & coordination with allies: 38%</p>	
---	--

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Shana Lazerow	2014	42.4	\$345	D1506020	\$14,628	19.8	\$345.00	\$6,831.00
Shana Lazerow	2015					20.6 [1][2]	\$345.00	\$7,107.00
Subtotal: \$14,628.00						Subtotal: \$ 13,938.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Shana Lazerow	2014					2.6	\$172.50	\$448.50
Shana Lazerow	2015	9.4	\$172.5	½ requested 2014 rate	\$1,621.50	9.4	\$172.50	\$1,621.50
Subtotal: \$1,621.50						Subtotal: \$2,070.00		
TOTAL REQUEST: \$ 16,249.50						TOTAL AWARD: \$16,008.00		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>								

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ¹	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Shana Lazerow	1998	195491	No

C. CPUC Disallowances and Adjustments:

Item	Reason
[1]	The Commission does not compensate attorneys for work that is clerical in nature. Such work includes the finalizing of documents. We disallow 1 hour on 4/1/15 and 1 hour 4/27/15.
[2]	The Commission corrected CEJA’s amended claim and split Lazerow’s claims by year.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes.

FINDINGS OF FACT

1. California Environmental Justice Alliance has made a substantial contribution to D.15-05-051.
2. The requested hourly rates for California Environmental Justice Alliance’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.

¹ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

4. The total of reasonable compensation is \$16,008.00.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.
2. Comments on today's decision should be waived and the decision should be made effective immediately.

ORDER

1. California Environmental Justice Alliance shall be awarded \$16,008.00.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay California Environmental Justice Alliance the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 7, 2015, the 75th day after the filing of Intervenor's amended request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at Sacramento, California.

APPENDIX
Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1505051		
Proceeding(s):	A1407009		
Author:	ALJ Yacknin		
Payer(s):	San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
California Environmental Justice Alliance (CEJA)	07/28/2015 (amended, 08/24/2015)	\$16,249.50	\$16,008.00	N/A	See Disallowances & Adjustments, above.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Shana	Lazerow	Expert	CEJA	\$345.00	2014	\$345.00
Shana	Lazerow	Expert	CEJA	\$345.00	2015	\$345.00

(END OF APPENDIX)